

Appl. No. 10/785,439

Amdt. Dated August 15, 2005

Reply to Office Action of June 16, 2005

### REMARKS / ARGUMENTS

Claims 1-57 remain in this application. Claims 2,11, 26, 30, 35, 43, 50 and 51 have been cancelled. Claims 1, 6, 10, 15, 22, 27, 29, 31, 32, 34, 41, 44, 46, 48-49 have been amended. The Examiner indicated Claims 19-21, 24 and 25 are allowed. The examiner indicated Claims 1-5, 7-14, 16-19 and 26-57 are rejected. Claims 58-61 are new. No new matter is introduced.

#### **Claim Rejections - 35 USC § 112**

The Office Action rejected Claims 22-23, 27-28 as indefinite for failing to particularly point out and distinctly claim the subject matter, which the Applicant regards as the invention. Claim 22 was amended to remove the phrase "the same" and to include the limitation of a first power tool for use in both the manipulating and securing steps. Claim 23 is supported by paragraphs [0023-0024] and element 14 of Figure 1. Claim 23 further limits allowed Claim 19. Claim 27 was amended to particularly point out the adapter shape. Claim 28 depends from amended Claim 27. Applicant requests that the Examiner reconsider and withdraw the rejection of present Claims 22-23 and 27-18 in light of the above amendments.

#### **Claim Rejections - 35 USC § 102**

The Office Action rejected Claims 1-5, 7-14, and 16-18 as being anticipated by United States Patent Number 5,454,551 by Hobday ("Hobday"). Independent Claims 1 and 10 of the present invention each recite a 'recess' in the first jaw for accepting a first portion of the fastener. The recess faces the second jaw. Recesses (59) and (159) are supported by Applicant's specification in paragraphs [0026, 0032, 0036 and 0040] and Figures 2 and 5. Hobday does not disclose, teach or suggest a 'recess', but does disclose, teach or suggest 'protective pads' (38)

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[Column 4 Lines 1-7] and (138) [Column 4 Lines 60-61]. The protective pads (38) and (138) are external features, while Applicant's recesses (59) and (159) are internal features. The 'recess' also functions differently than the pads, as the recess frees up one of the operator's hands by holding a first portion of the fastener. Hobday does not disclose, teach or suggest each of the Applicant's present claim limitations. Applicant requests that the Examiner reconsider and withdraw the rejection.

The Office Action rejected Claims 1-5, 7-8, 10-14, 16-17 and 26-57 as being anticipated by United States Patent Number 6,438,854 by Kott Jr. ("Kott"). As discussed above, independent Claims 1 and 10 of the present invention each recite a 'recess' in the first jaw for accepting a first portion of the fastener. The recess faces the second jaw. Kott does not disclose, teach or suggest a recess for accepting a portion of a fastener, where the recess faces the second jaw. Further, Independent Claim 34 of Applicant's present invention recites a recess that faces the second jaw. Still Further, Independent Claim 46 of Applicant's present invention recites an actuator (255) operable by a tool. The tool-operated actuator (255) is supported by Applicant's specification in paragraphs [0046] and in Figure 5. Kott does not disclose, teach or suggest an actuator that is operable by a tool. The actuator of Kott is hand-operated only. Kott does not disclose, teach or suggest each of the Applicant's claim limitations. Applicant requests that the Examiner reconsider and withdraw the rejection.

The Office Action rejected Claims 1-5, 7-8, 10-14, 16-17, and 26-57 as being anticipated by United States Patent Number 6,658,711 by Benson ("Benson"). As discussed above, independent claims 1,10, 34 of Applicant's present invention each recite a 'recess' in the first

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jaw for accepting a first portion of the fastener. The recess faces the second jaw. Further, Independent Claim 46 of Applicant's present invention recites an actuator (255) operable by a tool. Benson does not disclose, teach or suggest each of the Applicant's claim limitations. Applicant requests that the Examiner reconsider and withdraw the rejection.

### **Claim Objections**

The Office Action objected to claims 6 and 15 as being dependent upon a rejected base claim. Since independent claims 1 and 10 now define inventions that are patentable over the cited references, the Examiner should likewise find these claims allowable. Applicant requests that the Examiner reconsider and withdraw the rejection.

### **Newly Added Claims**

Applicant added four (4) new claims numbered 58-61. Newly Added Claims 58-61 are supported in Applicant's original Figures 2, 4 and 7 and paragraphs [0034] and [0049] for example. The newly added claims define inventions that are patentable over the cited references. Neither of the cited references discloses, teaches or suggests a tool that accepts a first portion of a fastener (a nut) in a recess or a jaw allowing a second portion of a fastener (a bolt) to extend therethrough. Applicant requests that the Examiner indicate the allowance of the newly added claims in the next communication.

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### Conclusion

In light of the foregoing, Applicant submits that the claims are now in condition for allowance. Applicant requests that the Examiner reconsider and withdraw the objections and rejections. Applicants solicit the allowance of Claims 1-61 at an early date.

Applicant authorizes the Commissioner to charge the \$200 fee due under 37 CFR 1.16(i) for the presentation of four (4) new claims ( $4 \times \$50 = \$200$ ) and any fees due under 37 CFR 1.16 or 17, or to credit any overpayments, during prosecution of this Application, to Deposit Account Number 21-0279.

Respectfully submitted,



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